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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,895	08/18/2003	Prasanna M. Shah	2218CON1	3374

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EXAMINER	
MYERS, PAUL R	

ART UNIT	PAPER NUMBER
2112	

DATE MAILED: 09/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/642,895	SHAH ET AL.	
	Examiner	Art Unit	
	Paul R. Myers	2112	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 August 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *8-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *8-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *8/18/03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 8-16 are objected to because of the following informalities: Claims 8 and 13 are written in an outline format however there is a part "a. each encoder" followed by part "a. each receiver" it should be part "a. each encoder" followed by part "b. each receiver" for proper outline format. Appropriate correction is required.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 8-16 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 6636931. Although the conflicting claims are not identical, they are not patentably distinct from each other because the current claims claim the same features of the issued claims only changing the order in which features are presented.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claim 8 is rejected under 35 U.S.C. 102(e) as being anticipated by Rupinski et al PN 5,796,440.

In regards to claim 8: Rupinski et al teaches A crosspoint switching matrix (Figure 10; 2000) adapted for switching signals received from a plurality of encoders (Figure 2; 1000 specifically Transmitter portion) to at least one receiver (Figure 2; 1000 specifically receiver portion) selected from a plurality of receivers (figure 10 plural 1000's): each encoder being adapted: for concurrently receiving a plurality of baseband (baseband) signals from specific sources included among a plurality of audio/video sources (baseband video in/audio in); and for

producing from the received signals a single encoded signal (Differential Video and Sync Audio signal out bound); each receiver being adapted: for receiving an encoded signal (Differential Video and Sync Audio signal in bound); for decoding the encoded signal back into baseband format (baseband video out/audio out); and for providing a set of audio/video into baseband outputs corresponding to the baseband signals encoded into the received signals (baseband video out/audio out); the crosspoint switching matrix comprising: a plurality of input nodes (figure 11 the 4 Differential Video and Sync-audio/Data signals in), each input node being adapted for accepting the encoded electronic signal produced by one of the encoders (Differential Video and Sync-audio/Data signals in), the encoder from which the electronic signal is accepted being directly coupled to the input node of the crosspoint switching matrix (Figure 10 from direct ling line connecting 1000 to 2000) via a conductor capable of including an unshielded cable (Column 2 lines 34-42 (Category 5 unshielded twisted pair wiring)), including a twisted pair cable (Category 5 unshielded twisted pair wiring), which is external to the crosspoint switching matrix (Figure 10); and a plurality output nodes (figure 11 the 4 Differential Video and Sync-audio/Data signals out), each output node being adapted for supplying the receivers with one of the encoded signals accepted by one of the input nodes (Figure 10 Differential Video and Sync-audio/Data signals out), the receiver to which the electronic signal is supplied being directly coupled the output node of the crosspoint switching matrix (from 2000 to 1000) via a conductor capable of including an unshielded cable (Category 5 unshielded twisted pair wiring), including a twisted pair cable (Category 5 unshielded twisted pair wiring), which is external to the crosspoint switching matrix; whereby the crosspoint switching matrix is adapted for concurrently receiving encoded signals from the plurality of encoders, and for concurrently providing signals received

from the encoders to a plurality of receivers (Abstract "simultaneously transmitting and receiving baseband video signals").

In regards to claims 10 and 12: Rupinski et al also teaches a local control coupled to the crosspoint switching matrix (2400 and 2600 taken together).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rupinski et al PN 5,796,440 in view of Ishibashi et al JP 56083152 A.

In regards to claim 9: Rupinski teaches the crosspoint switching matrix as described above. Rupinski et al also teaches a local control coupled to the crosspoint switching matrix (2400 and 2600 taken together). Rupinski et al does not teach a display coupled to the crosspoint switching matrix. Ishibashi et al teaches a switching matrix including a display device coupled to the switching matrix. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include a display such as Ishibashi et al's because this would have allowed for easy confirmation of the state of the crosspoint switch.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rupinski et al PN 5,796,440 in view of McHale PN 5,668,857.

In regards to claim 11: Rupinski teaches the crosspoint switching matrix as described above. Rupinski et al also teaches a local control coupled to the crosspoint switching matrix (2600). Rupinski et al teaches interface circuitry coupled between the switching matrix and the conductors (2400). Rupinski et al does not teach a modem coupled between the control circuitry and a corresponding modem in the receivers. McHale teaches a modem 160 coupled to a switching matrix and to a modem in a receiver (115). It would have been obvious to include modems for interconnecting the devices because this would have allowed for long range remote communication.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul R. Myers whose telephone number is 571 272 3639. The examiner can normally be reached on Mon-Thur 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached on 571-272-3676. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paul R. Myers

PAUL R. MYERS
PRIMARY EXAMINER

PRM
September 1, 2005